

02-07-01

PA 1/16/01

# **CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Large Entity)**

FEB 06 2001

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))

Docket No.

0164 (09/35/109230)

☐ **DUPLICATE** (Check box if applicable)

First Named Inventor

Examiner

Group/Art Unit

Monika JOHANNSEN

Sabiha Qazi

1616

Address to:  
Assistant Commissioner for Patents  
Box CPA  
Washington, D.C. 20231

This is a request for filing a ☒ continuation, or ☐ divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number 09/335,022 filed on June 17, 1999 and entitled:

**PROCESS FOR PRODUCING VITAMIN D3 AND PREVITAMIN D3**

1. ☒ Enter the unentered amendment previously filed on October 3, 2000 under 37 CFR 1.116 in the prior nonprovisional application. First
2. ☒ A preliminary amendment is enclosed. Please enter it after entering the 10/3/00 Amendment
3. ☐ This application is being filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).

a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

4. ☐ A new power of attorney or authorization of agent is enclosed.

5. ☐ An Information Disclosure Statement (IDS) is enclosed:

a. ☐ PTO-1449

b. ☐ Copies of IDS Citations

02/09/2001 GTEFFERA 00000016 09335022

01 FC:131

710.00 0P

6. ☒ The fee for this application is calculated as follows:

## **CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	8	- 20 =	0	x \$18.00	\$0.00
Indep. Claims	1	- 3 =	0	x \$80.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
<b>BASIC FEE</b>					\$710.00
<b>TOTAL FILING FEE</b>					\$710.00

**CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Large Entity)**  
**(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))**

7. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to  
Deposit Account No. 02-4467.

- ☐ fees required under 37 C.F.R. 1.16.
- ☐ fees required under 37 C.F.R. 1.17.
- ☐ fees required under 37 C.F.R. 1.18.

8. ☒ A check in the amount of \$710.00 is enclosed.

9. ☒ Also enclosed:

**Certificate of Express Mailing**

**Preliminary Amendment**

**Copy of Response To Office Action Including Amendment filed October 3, 2000 in parent case**

**Petition For Extension Of Time**

**Check for \$390.00 (Petition fee)**

**Return Postcard**

10. ☐ The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below:

**CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Large Entity)**  
**(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))**

**NOTES**

**Submit an original, and a duplicate for fee processing.**

**FILING QUALIFICATIONS:** The prior application must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 USC 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but must be filed under 37 C.F.R. 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the Applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or application in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).

Dated: February 6, 2001

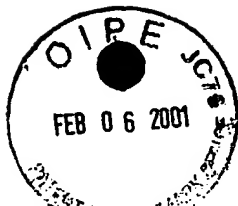
  
Signature

Kevin C. Hooper  
Typed or printed name

40,402  
Registration Number (if applicable)

- ☐ Inventor(s)  
☐ Assignee of complete interest  
☒ Attorney or agent of record

cc:



Docket No. 2016 (C385/109330)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Continued Prosecution Application of :

Monika JOHANNSEN

Parent Serial No.: 09/335,022

Parent Filed: June 17, 1999

For: **PROCESS FOR PRODUCING**

**VITAMIN D<sub>3</sub> AND PREVITAMIN D<sub>3</sub>**

Examiner: Sabiha Qazi

Art Unit: 1616

New York, NY  
February 6, 2001

**CERTIFICATE OF EXPRESS MAILING**

"Express Mail" Mailing Label No.: EL470275864US

Date of Deposit: February 6, 2001

I hereby certify that the following:

- [x] Certificate of Express Mailing (1 p)
- [x] Continued Prosecution Application Request Transmittal Letter (3 pp) in duplicate
- [x] Preliminary Amendment (3 pp, including duplicate p 1)
- [x] Copy of Response To Office Action Including Amendment filed October 3, 2000 in parent case (9 pp)
- [x] Petition For Extension Of Time (3 pp, including duplicate p 2)
- [x] Check for \$710.00 (Filing fee)
- [x] Check for \$390.00 (Petition fee)
- [x] Return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the Date of Deposit indicated above in an envelope addressed to Box CPA, Assistant Commissioner for Patents, Washington, D.C. 20231.

Gregory Small

Signature of Person Making Deposit

BRYAN CAVE LLP  
245 Park Avenue  
New York, New York 10167-0034  
(212) 692-1800



RESPONSE UNDER  
37 CFR 1.116

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EXPEDITED PROCEDURE  
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EXAMINING GROUP 1616

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :  
Monika JOHANNSEN

Serial No.: 09/335,022

Filed: June 17, 1999

For: **PROCESS FOR PRODUCING  
VITAMIN D<sub>3</sub> AND PREVITAMIN D<sub>3</sub>**

)  
) Examiner: S. Qazi

) Art Unit: 1616  
)

New York, New York  
October 3, 2000

**RESPONSE TO OFFICE ACTION INCLUDING  
AMENDMENT AND PETITION FOR EXTENSION OF TIME**

Box AF  
Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

The time for response to the Office Action of May 3, 2000 expired on August 3, 2000. A two-month extension of time to respond to the Office Action is hereby requested. With this extension, the due date for reply to the Office Action will be October 3, 2000. Enclosed is a check in the amount of \$390.00 to cover the fee for the extension of time. Please charge any required extension-of-time fees not otherwise paid by check to Deposit Account No. 02-4467. A duplicate copy of this sheet is enclosed.